

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ALLSTATE TEXAS LLOYDS,)	
)	
Plaintiff,)	CIVIL ACTION NO.
VS.)	3:07-CV-0360-G
CINDY SAWYER, Individually and as Personal Representative of the Estate of SPENCER SCOTT SAWYER, Deceased, ET AL.,)	ECF
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

This court is required to examine the basis for its subject matter jurisdiction, on its own motion if necessary. *Torres v. Southern Peru Copper Corp.*, 113 F.3d 540, 542 (5th Cir. 1997). Diversity of citizenship is alleged as the basis for subject matter jurisdiction in this case. Original Complaint for Declaratory Judgment (“Complaint”)

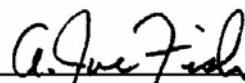
¶ 4. The plaintiff is alleged to be an unincorporated association of underwriters all located outside the state of Texas. *Id.* ¶ 1. The defendant Cindy Sawyer is alleged to be a resident of Texas. *Id.* ¶ 2. The defendant Brent Landes is also alleged to be a resident of Texas. *Id.* ¶ 3.

Nowhere in the complaint is there an allegation of the citizenship of the parties. Generally, the citizenship of artificial entities other than corporations is determined by the citizenship of their members. See *Carden v. Arkoma Associates*, 494 U.S. 185 (1990). Thus, the citizenship of the plaintiff, an unincorporated association, will be determined by the citizenship of its members. Likewise, the citizenship of the defendants is not alleged, only their residence. "It is established that an allegation of residency does not satisfy the requirement of an allegation of citizenship." *Strain v. Harrelson Rubber Co.*, 742 F.2d 888, 889 (5th Cir. 1984).

Within ten days of this date, the plaintiff shall electronically file and serve an amended complaint alleging the names and citizenship of all the members of the plaintiff and the citizenship of the defendants. Failure to timely file and serve such an amended complaint will result in dismissal of this case, without further notice, for lack of subject matter jurisdiction.

SO ORDERED.

August 20, 2007.



A. JOE FISH
CHIEF JUDGE